

REMARKS

The non-final Office Action of August 4, 2009 has been carefully reviewed and this paper is in response thereto. Claims 1, 13, 16, 18, 23, 25, 26, and 29 have been amended herein. New claims 31-38 have been added.

Independent Claim 28 Not Addressed in the Office Action

The office action does not mention or address independent claim 28, but it does mention dependent claims 29 and 30, which were rejected based on Patterson in view of Nakano and further in view of White (dependent claim 29), and Patterson in view of Gerace (dependent claim 30). It is not apparent what type of rejection of independent claim 28 might have been intended, because the scope of independent claim 28 differs from that of the other independent claims. Applicants have left independent claim 28 in its previous form, without amendments herein.

For this reason, Applicants submit that next office action, if it includes claim rejections, may not be made final. See MPEP 706.07(a), Final Rejection, When Proper on Second Action. However, in view of the amendments and arguments set forth herein, Applicants submit that all claims are now in condition for allowance.

Rejection of Independent Claims 1 and 16

Independent claims 1 and 16 stand rejected as being unpatentable over Patterson (U.S. 5,923,379). According to the office action, because Patterson mentions a “split-screen presentation” in col. 3 at lines 1-2, it meets the claimed feature of “wherein said interactive information is presented at an edge of said broadcast portion and does not obscure said broadcast portion.” Applicants have amended independent claims 1 and 16 to specify that the interactive portion is presented “as an elongated horizontal portion encompassing less than half of a television screen” and “wherein said television portion is arranged to encompass more than half of the television screen.” Support for this feature can be found, for example, in FIG. 2A and on page 13 of the specification. Patterson does not disclose or suggest this specific display format.

Additionally, independent claim 1 has been amended to recite “a remote control comprising a plurality of buttons arranged to move a cursor,” and wherein the controller is configured to obtain the interactive information in response to said user input “received

from the remote control.” Independent claim 16 has been amended in a similar but slightly different manner. Support for this amendment can be found for example on page 11 of the specification at lines 4-9.

Although Patterson mentions a remote control in col. 3 in connection with a conventional satellite system that is depicted in his FIG. 1, Patterson actually teaches away from using a remote control device to obtain the interactive information in response to user input from the remote control. For example, in col. 3 Patterson explains that the conventional system of FIG. 1 is “inadequate” for use with the Internet, and he proposes instead the system of FIG. 2, specifically including a keyboard/mouse (user input device 42). Consequently, there would be no apparent reason to modify the Patterson system to remove user input device 42 and to instead use a remote control to obtain the interactive information as well as the broadcast information. Accordingly, these claims are distinguishable from Patterson.

Rejection of Dependent Claims 2, 15, and 24

Dependent claims 2, 15, and 24 were rejected as being unpatentable over Patterson in view of Kikinis (US 5,929,840). According to the office action, Kikinis teaches sending URLs with broadcast television signals, and that it would therefore have been obvious to incorporate the features of dependent claims 2, 15, and 24 into the Patterson system. These claims are distinguishable from the combination for the same reason as the independent claims from which they depend (independent claims 1 and 16, respectively).

Rejection of Dependent Claims 7-8, 13, and 18-19

Dependent claims 7-8, 13, and 18-19 were rejected as being unpatentable over Patterson in view of White (U.S. 6,034,689). According to the office action, White discloses that a web page on a television screen may contain selectable hypertext objects, which meets the limitations of these claims.

In view of the amendments and arguments above regarding independent claims 1 and 16, from which these claims depend, this rejection is believed to be moot. Nevertheless, dependent claims 13 and 18 have been amended herein to recite that the elongated horizontal portion comprises a menu bar comprising a plurality of interactive control buttons. Support for this limitation can be found, for example, in FIG. 2A and on

page 13 of the specification. Applicants submit that Patterson in view of White, even if combined as proposed, does not disclose the features of these claims.

Rejection of Dependent Claims 10 and 21

Dependent claims 10 and 21 were rejected as being unpatentable over Patterson in view of Johnson (U.S. 5,130,800). According to the office action, Johnson discloses resizing the broadcast information to fit within the broadcast portion. The rejection of these claims is believed to be moot in view of the amendments and arguments made to their respective independent claims.

Rejection of Dependent Claims 11 and 20

Dependent claims 11 and 20 were rejected as being unpatentable over Patterson in view of Hoarty (U.S. 6,305,020). According to the office action, Hoarty discloses a cable television system with Internet browser capabilities including a home page for the user. The rejection of these claims is believed to be moot in view of the amendments and arguments made to their respective independent claims.

Rejection of Dependent Claims 14 and 23

Dependent claims 14 and 23 were rejected as being unpatentable over Patterson in view of Hidary (U.S. 5,774,664). According to the office action, Hidary discloses a television system with internet browsing capabilities in which hyperlinks on websites access on the television can automatically tune the television to an associated channel.

Applicants respectfully traverse this rejection. Dependent claim 14 recites that “the controller is configured to determine whether any television content is referenced in the interactive information and, in response to determining that television content is referenced in the interactive information, causing said television interface to tune to said referenced television content.” Dependent claim 23, as amended herein, recites a step of “automatically determining whether any television content is referenced in the interactive information and, in response to automatically determining that television content is referenced in the interactive information, receiving television content corresponding to the referenced broadcast content and displaying the referenced television content on the display.” This feature is shown in FIG. 3 and on pages 20-21. As explained in the specification on page 21 beginning at line 1, this gives the author of the web page control over what the television is tuned to.

In contrast, the cited portion of Hidary merely states (starting in col. 8 line 61) that a user may choose to click on a hyperlink, which would then cause a TV window to be tuned to the selected broadcast. This is a fundamental difference from what is claimed, and Applicants respectfully submit that a proper rejection has not been made of these claims.

Rejection of Independent Claim 25

Independent claim 25 was rejected as being unpatentable over Patterson in view of Nakano (U.S. 5,745,109). According to the office action, Nakano discloses presenting the interactive information as a translucent overlay region over the broadcast portion.

Applicants respectfully submit that Nakano is not in the same relevant field of art and should not have been combined with Patterson. Nakano relates to graphical user interfaces for general-purpose computers, not a television environment in which hardware typically has much more limited processing resources. Accordingly, Applicants submit that Nakano and Patterson do not form a proper combination. Furthermore, the office action states that Nakano discloses showing a “broadcast image” through an interactive window, but no such disclosure can be found in Nakano.

Nevertheless, in order to further advance prosecution of this application, independent claim 25 has been amended to recite a remote control input device comprising a plurality of buttons configured to receive user input, wherein the interactive information is received in response to user input received from the remote control. For reasons similar to those advanced above with respect to amended independent claims 1 and 16, independent claim 25 is believed to be distinguishable from the cited prior art.

Rejection of Dependent Claims 26 and 29

Dependent claims 26 and 29 were rejected as being unpatentable over Patterson in view of Nakano and further in view of White (U.S. 6,034,689). According to the office action, White discloses selectable hypertext objects.

As to dependent claim 26, this rejection is believed to be moot in view of the amendments and arguments directed to independent claim 25. Additionally, dependent claim 26 has been amended to clarify that the interactive control buttons are for selecting services including electronic mail (see specification at page 15 lines 9-13) and is thus believed to be further distinguishable from White.

As to dependent claim 29, no rejection was made of parent independent claim 28, so this rejection is believed to be in error. Furthermore, dependent claim 29 has been amended herein to recite that the translucent overlay region comprises a plurality of web graphics including television signals. (Specification at page 15, lines 1-7). Applicants submit that this amended claim is further distinguishable from the proposed combination of Patterson and White.

Rejection of Dependent Claims 27 and 30

Dependent claims 27 and 30 were rejected as being unpatentable over Patterson in view of Nakano and further in view of Gerace (U.S. 5,848,396). According to the office action, Gerace discloses that animated tickers are well known in the art.

In view of the amendments and arguments directed to independent claim 25, and in view of the fact that no rejection was made to independent claim 28 (from which claim 30 depends), Applicants submit that the rejections are not properly made. Furthermore, merely because animated tickers are well known does not mean that creating translucent overlaps comprising animated tickers would be obvious. Accordingly, for this additional reason, Applicants submit that these claims are distinguishable from the cited prior art.

New Claims

New claims 31-38 have been added. Support for these new claims can be found in FIGS. 2A and 2B, and in the specification on pages 13-16. Applicants submit that these claims are further distinguishable from the prior art.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account 19-0733 in the appropriate amount.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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